

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-5 and 14 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-5 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over previously cited Kuzma in view of Mobile Tech News, “Logica first to enable MMS Intercarrier Messaging”, hereafter “Mobile News”, and further in view of newly cited Fenton et al. (U.S. Patent Application Publication No. 2003/0193967, hereafter “Fenton”). Applicant respectfully traverses the prior art rejections.

Independent claim 1 recites in part:

sending, by the sender terminal, a Multimedia Messaging Service message which includes an electronic stamp, and

verifying the validity of the electronic stamp by the multimedia message service center,

wherein the electronic stamp is an element associated with paying for sending the message, and includes a value of the stamp, and

wherein the value of the stamp depends on at least one of a type of message and a number of addressees that the message is to be sent to.

The Examiner acknowledges that Kuzma and Mobile news does not teach or suggest “the value of the stamp depends on at least one of a type of message and a number of addressees that the message is to be sent to”, as recited in claim 1. The Examiner thus relies on Fenton to allegedly remedy this deficiency. Applicant respectfully disagrees with the Examiner.

Fenton generally relates to a method for processing multimedia messages by determining whether the multimedia message should be processed using a customized process or a standard

process. If the message is to be processed using a customized process, customized processing instructions are retrieved from a database, and the message is processed using these retrieved instructions. If the multimedia message is not to be processed using the customized process, the message is processed using a standard process (Abstract).

According to an exemplary embodiment of the present invention, a Multimedia Message Service (MMS) message contains an electronic stamp which is associated with paying for sending the multimedia message. The value of the stamp depends on the type of message or the number of addressees that the message is being sent to.

Applicant respectfully submits that there is no teaching or suggestion in Fenton that “the value of the stamp depends on at least one of a type of message and a number of addressees that the message is to be sent to”, as recited in independent claim 1.

The Examiner cites paragraph [0039] of Fenton as allegedly teaching this element of the claim. This cited portion of Fenton merely teaches various conditions that determine how the sender or recipient is charged for the message. However, the charging or payment does not relate to a stamp that is sent with the multimedia message. In other words, in Fenton, a prepaid customer is charged for submitting or retrieving multimedia messages. The multimedia controller initiates a credit check, and if the customer’s credit is insufficient to pay for a requested multimedia message, the customer is rejected (see paragraphs [0045]-[0046] of Fenton). This teaches away from the present invention since the initiation of credit checks increases time and burden on the users (see page 5, lines 30-34 of the original specification as filed).

Accordingly, Applicant respectfully submits that independent claim 1 should be allowable because the cited references, alone or in combination, do not teach or suggest all of the

elements of the claims. Claims 2-5 and 14 should also be allowable at least by virtue of their dependency in independent claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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